

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2001-407-T - ORDER NO. 2003-682

NOVEMBER 26, 2003

IN RE: Application of S & S Express, Inc., 4940) ORDER
Charleston Highway, Williston, SC 29853) REINSTATING
(District 2), to Reinstate Class C Certificate of) CERTIFICATE
Public Convenience and Necessity No. 7166.)

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of an Application filed by S & S Express, Inc. ("Applicant" or "S & S") to reinstate Class C Certificate of Public Convenience and Necessity No. 7166. Certificate No. 7166 was issued to S & S by Commission Order No. 2001-988, dated October 9, 2001. Order No. 2001-988 amended the Applicant's original Certificate by a change in the name appearing on such Certificate. Original certification for authority to render motor passenger service was granted in the name of Taris J. Simmons d/b/a S & Express.

By Commission Order No. 2003-452, dated July 24, 2003, issued in Docket No. 2003-219-T, a Rule to Show Cause Hearing was set for holders of Certificates of Public Convenience and Necessity that had failed to file the required evidence of insurance and had failed to comply with the statutes governing operations of Motor Vehicle Carriers in South Carolina. The holders of the Certificates of Public Convenience and Necessity addressed in Order No. 2003-452 were given thirty (30) days from the date of receipt of the Order to respond to the allegations of their failure to comply with the requirements stated above. The record reflects that S & S was a respondent to the Rule to Show Cause for failure to file the required evidence of insurance.

For those motor carriers who had not responded to the prior notifications of noncompliance, a public hearing regarding this matter was held on Wednesday, August 27, 2003, at 11:30 a.m. The Commission found that Certificates of Public Convenience and Necessity held by certain carriers should be revoked and cancelled for the continued, willful violation by these carriers of the Commission's Rules and Regulations and/or the South Carolina statutes governing Motor Vehicle Carriers [S.C. Code Ann. Section 58-23-10 et. seq. (1976)], with the specific violation being the failure to maintain insurance coverage as required. Accordingly, the Commission issued Order No. 2003-561, dated September 18, 2003, which cancelled S & S's Certificate No. 7166.

Subsequently, by letter received November 14, 2003, S & S advised the Commission that S & S had switched its insurance coverage to another company and that the new insurance company, Canal, failed to send to the Commission the information needed for S & S to be in compliance with the Commission's Rules and Regulations and the statutes governing Motor Vehicle Carriers with respect to filing evidence of insurance. S & S requests that the Certificate in question be reinstated.

The Commission is of the opinion, and so finds, that the above-mentioned Certificate should be reinstated, subject to compliance with all applicable statutes and the Commission's Rules and Regulations.

IT IS THEREFORE ORDERED:

1. That Certificate of Public Convenience and Necessity No. 7166 held by S & S Express, Inc. be, and hereby is, reinstated, subject to compliance with all Commission Rules and Regulations within sixty (60) days of the date of this Order.

2. That all operating rights authorized under the Certificate held are hereby reinstated, subject to compliance with all applicable statutes and the Commission's Rules and Regulations within sixty (60) days of the date of this Order.

3. That prior to compliance with the applicable statutes and the Commission's Rules and Regulations, including the requirements of filing proof of insurance and the payment of any license fees, the motor carrier services authorized by the Certificate shall not be provided.

4. That the failure of the Applicant to either (1) complete the certification process by complying with the requirements of filing with the Commission proof of appropriate insurance and the payment of license fees and such other information required by law within sixty (60) days of the date of this Order or (2) request and obtain from the Commission additional time to comply with the requirements stated above, shall result in the authorization approved in this Order being revoked.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn, Chairman

ATTEST:



Bruce F. Duke, Executive Director

(SEAL)